

Notice of Allowability

Application No.

10/034,315

Examiner

Kevin Hurley

Applicant(s)

SPANSKI, HAROLD

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the petition to revive filed 24 November 2004.
2. ☒ The allowed claim(s) is/are 1,6,7,9 and 21-26.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Drawings

1. This application was filed with informal drawings. The application having been allowed, formal drawings are required in response to this Office Action.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

The status identifiers for the claims listed below have been changed to comply with 37 CFR 1.121:

The status identifier for claim 1 has been changed to “(previously presented)”.

The status identifier for claim 6 has been changed to “(previously presented)”.

The status identifier for claim 8 has been changed to “(cancelled)”.

The status identifier for claim 9 has been changed to “(previously presented)”.

The status identifier for claim 10 has been changed to “(cancelled)”.

The status identifier for claim 11 has been changed to “(cancelled)”.

The status identifier for claim 12 has been changed to “(cancelled)”.

The status identifier for claim 21 has been changed to “(previously presented)”.

The status identifier for claim 22 has been changed to “(previously presented)”.

Art Unit: 3611

The status identifier for claim 23 has been changed to “(previously presented)”.

The status identifier for claim 24 has been changed to “(cancelled)”.

3. The following is an examiner’s statement of reasons for allowance: The main reason for the allowance of claim 1 is that the prior art fails to disclose a bicycle including a power assist drive section comprising a power assist drive member concentrically mounted around a crank shaft and said power-assist drive member having a fixed drive connection to a sprocket section and a power-assist-overrunning drive connection between the power-assist drive member and a gear section drive output. The main reason for the allowance of claim 21 is that the prior art fails to disclose a bicycle including a power assist drive section comprising a power assist drive member concentrically mounted around a crank shaft and said sprocket section and said first pedal member being nearer to a second side of the frame, and said power-assist drive member having a second end portion that connects to a sprocket drive, and a first end portion that is nearer to a first side of the frame, said first end portion connecting through the power-assist overrunning drive connection to the gear section drive output. The main reason for the allowance of claim 22 is that the prior art fails to disclose a bicycle including a power assist drive section comprising a power assist drive member concentrically mounted around a crank shaft and said power-assist drive member having a tubular configuration with first and second power-assist member portions on opposite sides of the bicycle, said power-assist drive member and said crank housing being positioned concentrically around a center axis of said crank shaft. The main reason for the allowance of claim 23 is that the prior art fails to disclose a bicycle a motor section comprising said motor being a high-speed motor that is driven by petroleum-based fuel and

Art Unit: 3611

operates at least 1000 RPM, said motor having a sheave-and-belt drive connection with said speed-reducing gear section, whereby tension forces exerted on the sheave-and-belt drive from the motor to the speed-reducing gear section are substantially less than forces imposed in the drive connection between the speed-reducing gear section and the power-assist drive member.

The main reason for the allowance of claim 25 is that the prior art fails to disclose a bicycle including a power assist drive section comprising a power assist drive member concentrically mounted around a crank shaft and a high-speed motor that is driven by petroleum-based fuel and operates at least 1000 RPM, said motor having a sheave-and-belt drive connection with said speed-reducing gear section, whereby tension forces exerted on the sheave-and-belt drive from the motor to the speed-reducing gear section are substantially less than forces imposed in the drive connection between the speed-reducing gear section and the power-assist drive member.

The main reason for the allowance of claim 26 is that the prior art fails to disclose a bicycle including a power assist drive section comprising a power assist drive member concentrically mounted around a crank shaft and said power-assist drive member having a fixed drive connection to the sprocket section and the power-assist-overrunning drive connection is between the power-assist drive member and the gear section drive output.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3611

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Hurley whose telephone number is 571-272-6646. The examiner can normally be reached on Monday-Friday 9:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kevin Hurley
Primary Examiner
Art Unit 3611

June 14, 2005